

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7192

MAURICE HAWKINS,

Plaintiff - Appellant,

versus

J. JOHNSON,

Defendant - Appellee.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. Glen E. Conrad, District Judge.
(CA-04-360-7)

Submitted: December 8, 2004

Decided: February 8, 2005

Before MOTZ, TRAXLER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Maurice Hawkins, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Maurice Hawkins appeals the district court's order dismissing without prejudice his action filed under 42 U.S.C. § 1983 (2000), for failure to state a claim upon which relief may be granted. Because the dismissal was without prejudice, we dismiss the appeal for lack of jurisdiction because the order is not a final, appealable order. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED